

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

UNITED STATES OF AMERICA,                  )  
    )  
Plaintiff,                                    )  
    )  
v.    )    CR416-061  
    )  
STEVEN MALYX SUTTON,                    )  
    )  
Defendant.                                    )

**REPORT AND RECOMMENDATION**

The Court ordered a forensic competency examination of defendant Steven Sutton after finding reasonable cause to suspect that he is presently suffering from a mental disease or defect rendering him mentally incompetent to stand trial. Doc. 22. After evaluating him at Lexington Federal Medical Center, the forensic psychologist concluded that defendant

is not currently suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or properly assist in his defense.

Doc. 26 at 10. Furthermore, “at the time of the commission of the acts constituting the alleged offenses, [defendant] was not suffering from a mental disease or defect such that he was unable to appreciate the

nature and quality or the wrongfulness of these actions.” *Id.* at 14.

Defendant and counsel for the parties have stipulated to the report’s findings and conclusions. Doc. 28. Based upon the unrebutted psychological evidence, the Court finds by a preponderance of the evidence that Sutton is able to understand the proceedings against him and assist properly in his defense.

It is therefore **RECOMMENDED** that the defendant be held competent to stand trial. This finding shall not prejudice the defendant in raising the issue of his insanity as a defense to the offense charged, however, and shall not be admissible as evidence at trial for the offense charged. 18 U.S.C. § 4241(f).

This Report and Recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court’s Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned “Objections to Magistrate Judge’s Report and Recommendations.” Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district

judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonett v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. U.S.*, 612 F. App'x 542, 545 (11th Cir. 2015).

**SO REPORTED AND RECOMMENDED**, this 8th day of November, 2016.

  
\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA